

Senate Study Bill 1117 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON RIELLY)

A BILL FOR

1 An Act relating to railroads including hit-and-run motor
2 vehicle accidents involving a train and investigations of
3 railroad crossing violations, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.262, Code 2011, is amended to read
2 as follows:

3 **321.262 Leaving scene of traffic accident — vehicle damage**
4 **only.**

5 The driver of any vehicle involved in an accident resulting
6 only in damage to a vehicle which is driven or attended by any
7 person or to a railroad train or locomotive shall immediately
8 stop such vehicle at the scene of such accident or as close
9 thereto as possible but shall forthwith return to and in every
10 event shall remain at the scene of such accident until the
11 driver has fulfilled the requirements of section 321.263.
12 Every such stop shall be made without obstructing traffic more
13 than is necessary. Any person failing to stop or comply with
14 said requirements under such circumstances shall be guilty of a
15 misdemeanor and punished as provided in section 321.482.

16 Sec. 2. Section 321.263, subsection 1, Code 2011, is amended
17 to read as follows:

18 1. The driver of a vehicle involved in an accident resulting
19 in injury to or death of a person or damage to a vehicle
20 which is driven or attended by a person or to a railroad
21 train or locomotive shall give the driver's name, address,
22 and the registration number of the vehicle the driver is
23 driving and shall upon request and if available exhibit the
24 driver's driver's license to the person struck, the driver or
25 occupant of, or the person attending the vehicle, railroad
26 train, or locomotive involved in the accident and shall render
27 to a person injured in the accident reasonable assistance,
28 including the transporting or arranging for the transporting
29 of the person for medical treatment if it is apparent that
30 medical treatment is necessary or if transportation for medical
31 treatment is requested by the injured person.

32 Sec. 3. Section 321.344A, subsection 2, unnumbered
33 paragraph 1, Code 2011, is amended to read as follows:

34 A peace officer ~~may~~ shall initiate an investigation not
35 more than seven calendar days after receiving a report of a

1 violation pursuant to this section. The peace officer may
2 request that the owner of the vehicle supply information
3 identifying the driver of the vehicle in accordance with
4 section 321.484, or in the case of a commercial motor vehicle,
5 the peace officer may request that the employer of the driver
6 provide information identifying the driver of the vehicle.

7 Sec. 4. Section 805.8A, subsection 14, paragraph h, Code
8 2011, is amended to read as follows:

9 *h. Railroad crossing violations.*

10 (1) For violations under sections 321.341, 321.342,
11 321.343, and 321.344, and ~~321.344B~~, the scheduled fine is two
12 hundred dollars.

13 (2) For a violation under section 321.344B, the scheduled
14 fine is three hundred dollars.

15 EXPLANATION

16 This bill addresses several issues relating to the
17 interaction of motor vehicles and railroads.

18 The bill amends Code sections 321.262 and 321.263 to require
19 that the driver of a vehicle involved in an accident resulting
20 only in damage to a railroad train or locomotive must remain
21 at the scene and give the driver's name, address, and vehicle
22 registration number and exhibit the driver's driver's license
23 upon request to the person attending the railroad train or
24 locomotive. This is similar to requirements for a driver
25 involved in a collision with another motor vehicle, a violation
26 of which is commonly referred to as "hit-and-run". A person
27 convicted of a hit-and-run is guilty of a simple misdemeanor,
28 which is punishable by confinement for no more than 30 days or
29 a fine of at least \$65 but not more than \$625 or by both.

30 The bill amends Code section 321.344A to require a peace
31 officer's investigation of every reported railroad crossing
32 violation by a vehicle operator. Currently, the initiation of
33 an investigation is optional.

34 The bill amends Code section 805.8A to increase the
35 scheduled fine for a railroad crossing violation by a vehicle

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1 operator which creates an immediate threat to the safety of
2 a person or property from \$200 to \$300. All other railroad
3 crossing violations remain punishable by a scheduled fine of
4 \$200.